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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

W.P. NO. 2000

BETWEEN

Ramharakh S/o Deepchand aged about 29 years, by caste Kaha, Resident of S.E.C.L. Colony, Old Mines, Bhatgaon, Thana Pratap Pur District Surguja (Chhattisgarh).

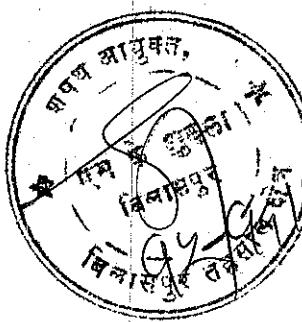
PETITIONERAND

1. The Sub Divisional Officer (Revenue) (Competent Authority Under Section 122(1) of Madhya Pradesh Panchayat Raj Adhiniyam) Surajpur District Surguja (Chhattisgarh).
2. Ramesh S/o Son Sai aged about 27 years, by caste Cherva, occupation cultivation, resident of Village Bhatgaon Basti, Thana Pratappur Tahsil Surajpur District Surguja (Chhattisgarh).
3. Amar Sai S/o Sahdev aged about 21 years, by caste Kanwar, r/o Village Bhatgaon Basti, Thana Pratappur District Surguja (Chhattisgarh).
4. Smt. Phulkariya W/o Michel Kerketta, aged 45 years, by caste Oraon, r/o Village New Mines Bhatgaon, Thana Pratappur District Surguja .
5. Smt. Manoji Oraon W/o Shri Maan Sai aged about 35 years, by caste Oraon, r/o Emlipara Bhatgaon, Thana Pratappur, District Surguja .
6. Jagnarayan S/o Rajju aged about 22 years, by caste Kanwar, r/o Village Bhatgaon, Basti, Thana Pratappur District Surguja .
7. Suresh S/o Ramkewal aged about 23 years, by caste Oraon r/o Village Old Mines Bhatgaon, Colliery, Thana Pratappur, District Surguja (Chhattisgarh).
8. Sanjay S/o Shikhnarayan aged about 23 years, r/o Village Bhatgaon Old Mines, Doublestore, Thana Pratappur District Surguja .
9. Smt. Mamkultha W/o Hellarus aged 35 years, by caste Oraon, r/o Bhattapara Bhatgaon, Thana Pratappur District Surguja .
10. Returning Officer, Block Bhaiyathan (Shri B.C.Ekka) Additional Tahsildar Bhatgaon, Tahsil Surajpur, District Surguja .

RESPONDENTSWRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioner :

As stated in the Cause Title above.



High Court of Chhattisgarh, Bilaspur

उच्च न्यायालय, खड़ागप्रदेश, बिलासपुर

QS

W. P. No. 22 of 2000.

मामला क्रमांक

सन् 200

आदेश पत्रक (पूर्वानुबंध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><u>8.12.2000.</u></p> <p>Shri Prashant Mishra, learned counsel for the petitioner.</p> <p>Shri Ranvir Singh, learned Govt. Advocate for the respondent no.1</p> <p>Shri Rajesh Pandey, learned counsel for respondent no.2/Election petitioner before the lower Court.</p> <p>The petition is finally heard.</p> <p>2. The grievance of the petitioner appears to be that to prove certain documents in support of his contention that he belongs to Scheduled Tribes, he wants to examine certain officers, but the application submitted by him has been unceremoniously rejected by the Lower Court without assigning any reason.</p> <p>3. Shri Pandey, learned counsel for respondent no.2 submits that looking to the conduct of the present petitioner, the Tribunal was absolutely justified in rejecting the petition to summon the witnesses. He submits that on number of occasions, opportunity was given to the petitioner, but to delay the matter, he did not summon the witnesses and lastly to cause further delay in the matter, had submitted the application in</p>	

W.P. No-22 | 2000
मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
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in question.

4. The order dated 11.10.2000 passed by the learned Tribunal simply records that the application filed by the petitioner to summon the witnesses through the agency of the Court is rejected. Such an order cannot be approved. The order is bereft of the reasons and does not show application of mind. Where an authority, who is discharging judicial or quasi-judicial functions, is passing any order, then it is expected of it that it would find its order on the foundation of certain logic^{and} reasons. If the logic^{and} reasons are missing in the order of the authority, then the Higher Court is at a loss to understand as to what persuaded the authority to reach a particular conclusion. An authority, who has jurisdiction to grant or refuse the relief can certainly exercise its power, but it cannot simply grant or reject the prayer without supplying the reasons.

5. The order passed by the lower Tribunal is cavalier and cryptic and it has been passed in a very casual manner. It deserves to and is accordingly

उच्च न्यायालय, राज्याधीश, जजलम्बु

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High Court of Chhattisgarh, Bilaspur.
W.P.No.22/2000.

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	इस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	-3-	quashed. The petition is allowed. The parties are directed to appear before the learned Lower Tribunal on 22nd December, 2000. The parties would be permitted to make their submissions for the said application. The Lower Tribunal shall decide the application afresh in accordance with law by speaking order.

Copy to the parties within three days.

Sd/-

R.S. Garg
Judge

JLL

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